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AUG 16 2019

U.S. Magistrate Michelle L. Peterson

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

VYSHAWN MALICK WARR,

Defendant.

CASE NO. **MJ 19-384**

COMPLAINT FOR VIOLATION

18 U.S.C. §§ 922(g)(1)

BEFORE United States Magistrate Judge Michelle L. Peterson, United States  
Courthouse, Seattle, Washington.

The undersigned complainant being duly sworn states:

**COUNT ONE**

**(Felon in Possession of a Firearm)**

On or about July 23, 2019, in the City of Seattle, within the Western District of  
Washington, VYSHAWN MALICK WARR, knowing that he had been convicted of the  
following crime punishable by a term of imprisonment exceeding one year, to wit:

- a) *Assault in the Second Degree*, cause number 17-1-00027-1, in Pacific County  
Superior Court, Washington, on or about March 17, 2017;

did knowingly possess a firearm, that is, a Glock, 9x19mm caliber pistol, said firearm  
having been shipped and transported in interstate and foreign commerce.

Complaint: Vyshawn Malick Warr - 1

UNITED STATES ATTORNEY  
700 STEWART STREET, SUITE  
5220  
SEATTLE, WASHINGTON 98101  
(206) 553-7970

1 All in violation of Title 18, United States Code, Section 922(g)(1).

2 **The undersigned, Keeli Nelson, complainant being duly sworn states:**

3 1. I am a Special Agent (SA) with the United States Department of Justice  
4 (DOJ), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and have been so  
5 employed since October 15, 2018. I am an "investigative or law enforcement officer of  
6 the United States" within the meaning of Title 18, United States Code, Section 2510(7),  
7 that is, an officer of the United States who is empowered by law to conduct investigations  
8 of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section  
9 2516. I am currently assigned to the Seattle Group V Field Office.

10 2. I am a graduate of the Federal Law Enforcement Training Center, Criminal  
11 Investigator Training Program, and the ATF National Academy, both in Glynco, Georgia.  
12 During this 28-week training, I received instruction relating to the investigation of  
13 firearm and explosives violations. Prior to this employment, I obtained a bachelor's  
14 degree in Biology with a minor in Chemistry from Carroll College in Helena, Montana,  
15 and a master's degree in Forensic Psychology from Walden University in Minneapolis,  
16 Minnesota. During my career with ATF, I have had training and experience investigating  
17 violent crimes against persons and crimes against the government. I have been involved  
18 in investigations involving the unlawful purchase and/or unlawful possession of firearms  
19 and explosives. I have also participated in and executed search and seizure warrants with  
20 respect to the illegal possession of firearms and explosives.

21 3. This affidavit is made based upon my personal knowledge, training,  
22 experience and investigation, as well as upon information provided to me and my review  
23 of reports prepared by other law enforcement personnel. This affidavit is made for the  
24 purpose of establishing probable cause for this Complaint and thus does not include each  
25 and every fact known to me concerning this investigation.

26 This affidavit is made in support of a complaint against VYSHAWN MALICK  
27 WARR for being a *Felon in Possession of a Firearm*, in violation of Title 18, United  
28 States Code, Section 922(g)(1).

1 **I. WARR's Probation Status.**

2 4. As of March 14, 2019, WARR was actively supervised by the Washington  
3 Department of Corrections (DOC). On March 15, 2019, WARR reported to the  
4 Washington DOC Field Office and signed his Washington DOC Conditions,  
5 Requirements, and Instructions, acknowledged his obligations and agreed to comply with  
6 the conditions of his supervision. WARR signed conditions agreements for all causes for  
7 which he is on supervision and was provided with copies of all conditions.

8 5. Standard conditions of supervision to which WARR agreed include, but are  
9 not limited to, the conditions set forth below:

- 10 a. I am aware that I am subject to search and seizure of my person, residence,  
11 automobile, or other personal property if there is reasonable cause on the  
12 part of DOC to believe that I have violated the conditions/requirements or  
13 instructions above. I am also aware that, for the safety and security of DOC  
14 staff, I am subject to a pat search or other limited security search without  
15 reasonable cause when I am in, on, or about to enter Department premises,  
16 and when I am about to enter a Department vehicle;
- 17 b. I must obtain permission from the Community Corrections Officer (CCO)  
18 before changing residence, even for one night; and
- 19 c. *Firearms:* I have been advised and understand that if I have been convicted  
20 of a crime [for any felony offense] I am prohibited by law from owning,  
21 possessing, receiving, shipping, or transporting a firearm, ammunition, or  
22 explosives. I understand the prohibition extends to every sort of gun, rifle,  
23 or explosive device or similar device, including the frame or receiver of  
24 firearms. I understand that this may also be a violation of my supervision  
25 per RCW 9.94A.505.

26 6. Community Corrections Officer (CCO) Eric Paulson made several attempts  
27 to contact WARR at his DOC listed address, located at 1463 8<sup>th</sup> Street North East  
28 Apartment C-4, for home visits, but was unsuccessful. To determine if WARR was  
actually residing at his listed DOC address, surveillance operations of WARR were  
conducted on the following dates: July 8<sup>th</sup>, 10<sup>th</sup>, 12<sup>th</sup>, 2019. These surveillance operations  
provided officers with confirmation that WARR was not residing at his listed DOC

1 address, but residing at the residence of Alaysia Harris, WARR's girlfriend, located at  
2 4628 South Bateman Street, Seattle, Washington. WARR residing with his girlfriend,  
3 without notifying his CCO, violates his DOC conditions.

4 **II. WARR's Arrest on July 23, 2019.**

5 7. DOC Officer John Conaty is Task Force Officer (TFO) with Bureau of  
6 Alcohol, Tobacco, Firearms, and Explosives (ATF). Through the course of Officer  
7 Conaty's normal duties, WARR was brought to his attention.

8 8. On July 23, 2019, Officer Conaty planned an arrest operation for Vyshawn  
9 WARR to arrest him for violating his Washington DOC conditions of supervision. At  
10 approximately 3:00pm, surveillance units observed WARR walking down the driveway  
11 from Harris' residence, located at 4628 South Bateman Street, Seattle, Washington.  
12 WARR continued to walk down South Graham Street toward Rainier Avenue South.  
13 Agents and officers moved in to arrest WARR. WARR was taken into custody after a  
14 short foot pursuit.

15 9. WARR was searched by Seattle Police Department (SPD) Detective Wade  
16 Jones incident to WARR's arrest for his DOC violation. Detective Jones recovered a  
17 loaded Glock, model 19, 9x19mm caliber pistol bearing serial number AYV372US, from  
18 WARR's pants pocket. The Glock had an inserted extended capacity magazine  
19 containing sixteen (16) rounds and one round was in the chamber. The firearm was  
20 placed into SPD evidence.

21 **III. The Search of WARR's Residence.**

22 10. Following WARR's arrest, a DOC search of WARR's residence was  
23 conducted. Officer Conaty learned from others present at the residence that WARR had  
24 been staying at this location for some time. WARR had been living with Alaysia Harris,  
25 his girlfriend, in the northeastern most bedroom. This bedroom was searched under  
26 Washington DOC authority. CCO Paulson assisted with the search. CCO Paulson  
27 recognized clothing items in the room from previous items WARR had worn to check in  
28 with him at the Washington DOC Auburn Field Office. Also located in the room was

1 paperwork with WARR's name on it. In addition, a 9mm caliber bullet was located in a  
2 dresser where WARR kept some of his paperwork.

3 **VIII. Interstate Nexus Examination of the Glock Handgun.**

4  
5 11. On July 29, 2019, Special Agent (SA) Catherine Cole, a certified Interstate  
6 Firearms and Ammunition Nexus Expert, who has been trained in the recognition of  
7 firearms and ammunition and their origin of manufacture, physically examined the  
8 following firearm at a secured SPD evidence vault:

9 (a) Glock, model 19, 9x19mm caliber handgun with serial number  
AYV372US.

10 SA Cole determined that the Glock 9mm-caliber handgun was not manufactured in the  
11 state of Washington. Based upon her experience, knowledge and research, it also SA  
12 Cole's opinion that the Glock handgun meets the definition of a firearm under Title 18,  
13 United States Code, Section 921(a)(3). SA Cole also opined that, because the above-  
14 listed firearm was not manufactured in the State of Washington, it therefore must have  
15 traveled in interstate commerce if it was received or possessed in the State of  
16 Washington.

17 **X. WARR's Criminal History.**

18 12. I have reviewed WARR's criminal history and confirmed that he has the  
19 following criminal convictions:

20 a. *Assault 2nd*, in Pacific County Superior Court, Washington, dated on or  
21 about March 17, 2017, under cause number 17-1-00027-1;

22 This crime is a felony under Washington law, punishable by a term of imprisonment  
23 exceeding one year. The defendant was present for his sentencing and the sentence  
24 actually imposed included incarceration for twelve months and one day.


1 **XI. Conclusion.**

2 13. Based on the aforementioned facts, I respectfully submit that there is  
3 probable cause to believe that VYSHAWN MALICK WARR committed the offense of  
4 being a *Felon in Possession of a Firearm*, in violation of Title 18, United States Code,  
5 Section 922(g)(1).  
6

7   
8 KEELI NELSON, Complainant  
9 Special Agent, ATF

10 Based on the Complaint and Affidavit sworn to before me, and subscribed in my  
11 presence, the Court hereby finds that there is probable cause to believe VYSHAWN  
12 MALICK WARR committed the offense set forth in the Complaint.

13 DATED this 16<sup>th</sup> day of August, 2019.  
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16 MICHELLE L. PETERSON  
17 United States Magistrate Judge  
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